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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/663,863	09/15/2000	Ilya Minkin	NAIIP007/00.045.01	4199

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EXAMINER

TRAN, TONGOC

ART UNIT	PAPER NUMBER
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2134

DATE MAILED: 06/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/663,863

Applicant(s)

MINKIN ET AL.

Examiner

Tongoc Tran

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6, 10-17 and 21-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 10-17 and 21-34 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This office action is in response to applicant's amendment filed on 3/18/2004. Claims 1, 12, 23-24 and 29 are amended. Claims 7-9, 18-20 are cancelled. Claims 1-6, 10-17 and 21-35 are pending.

### ***Response to Arguments***

2. In respect to Applicant's remark for claims 7-9, Applicant contends that Wiegel does not teach removal of duplicate rules in cited portion of Wiegel (col. 13, lines 5-19). As Applicant point out that when duplicate rule is found, an error is given. However, the cited portion of Wiegel also stated that "as duplicates are not allowed (instead, if a rule for a flow needs to be changed the modify rule trigger has to be used)". Therefore, Wiegel does implicitly teach the claimed limitation because duplicate rules are to be modified (removed) since duplicate rules are not allowed.

In response to Applicant's remark for claims 3 and 4, Applicant contends that Wiegel does not teach "the specific order in which policy rules are evaluated, namely "the policy rules denying the action are evaluated first, the policy rules conditionally denying the action are evaluated second, and the policy rules permitting the action are evaluated". Examiner respectfully disagrees. Wiegel teaches the deny list is evaluated before the accept list (col. 9, lines 29-33). Wiegel also teaches using "nested If <conditional> then... If... then... otherwise..." to evaluates complex condition (col. 18, lines 1-40).

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 10-17 and 21-23 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiegel (U.S. Patent No. 6,484,261) in view of Bal et al. (U.S. Patent No. 6,691,168, hereinafter Bal) and further in view of Abraham et al. (U.S. Patent No. 5,983,270).

In respect to claim 1, Wiegel discloses a method for providing network security features, comprising the steps of:

(a) identifying a plurality of network objects, (b) retrieving rule sets associated with at least one of the identified network objects, the rule sets including a plurality of policy rules that govern actions relating to the identified network objects (see Wiegel, col. 8, lines 12-26);

Wiegel does not disclose but Bal discloses:

(c) reconciling overlapping policy rules of the rule sets amongst the network objects; and (d) executing the reconciled rule sets (see col. 11, lines 15-30 and 45-53). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Wiegel's network security policy management with the teaching of Bal's method of high speed network rule processing that use different search strategies to handle different

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situations between disjoint (no overlapped rules) and non-disjoint (overlapped rules) set of rules in order to speed up the search (see col. 11, lines 18-29).

Furthermore, Weigel does not disclose but Abraham discloses wherein rule sets are combined into a single rule set, and duplicate policy rules set are removed; wherein a user is notified of conflicting policy rules of the rule sets (see col. 7, lines 50-58, col. 35, lines 36-60 and col. 43, lines 23-36). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Weigel's with Abraham for processing the network objects according to different rule sets by combining rules to single rule set and removing duplicate rules and notifying user of conflicting rules for the benefit of optimizing the policies stored in the database (see Abraham, Abstract).

In respect to claim 2, Wiegel, Bal and Abraham disclose the method as recited in claim 1, wherein each policy rule of the reconciled rule sets includes a rule action selected from the group consisting of permitting an action relating to the identified network objects, denying an action relating to the identified network objects, and conditionally denying an action relating to the identified network objects (see Wiegel, col. 10, lines 1-15).

In respect to claim 3, Wiegel, Bal and Abraham disclose the method as recited in claim 2. wherein an action relating to the identified network objects is permitted if no policy rules deny the action, at least one policy rule conditionally denies the action, and at least one policy rule permits the action (see Wiegel, col. 18, lines 1-40).

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In respect to claim 4, Wiegel, Bal and Abraham disclose the method as recited in claim 2, wherein the policy rules denying the action are evaluated first, the policy rules conditionally denying the action are evaluated second, and the policy rules permitting the action are evaluated third (see Wiegel, col. 9, lines 25-34 and col. 18, lines 1-40).

In respect to claim 5, Wiegel, Bal and Abraham disclose the method as recited in claim 1, wherein an action relating to the identified network objects is denied if none of the policy rules permit the action (see Wiegel, col. 9, lines 25-30).

In respect to claim 6, Wiegel, Bal and Abraham disclose the method as recited in claim 1, wherein an action relating to the identified network objects is denied if none of the policy rules match a request for the action (see Wiegel, col. 9, lines 26-30).

In respect to claim 10, Wiegel, Bal and Abraham disclose the method as recited in claim 1., wherein the rule sets are associated with a particular network object (see Wiegel, col. 8, lines 12-26).

In respect to claim 11, Wiegel, Bal and Abraham disclose the method as recited in claim 1, wherein a protocol configuration enforced by a related proxy is selected from a hierarchal list if an action is permitted by more than one rule (see col. 3, line 59-col. 4, line 6 and col. 10, lines 1-15).

In respect to claims 12-17 and 21-22, the claim limitations are computer program product claims that are substantially similar to method claims 1-6 and

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10-11. Therefore, claims 12-17 and 21-22 are rejected based on the similar rationale.

In respect to claim 23, the claim limitation is a system claim that is substantially similar to method claim 1. Therefore, claim 23 is rejected based on the similar rationale.

In respect to claim 34, Wiegel, Bal and Abraham disclose the method as recited in claim 1, wherein a graphical user interface is provided for providing an option to a user to apply both an AND operation and an OR operation to selected network objects (see Wiegel, col. 16, lines 25-34 and col. 18, lines 1-10).

4. Claims 24-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiegel (U.S. Patent No. 6,484,261) in view of Abraham et al. (U.S. Patent No. 5,983,270).

In respect to claim 24, Wiegel discloses a method for establishing network security, comprising the steps of:

(a) providing a plurality of network objects of a network and a plurality of rule sets; (b) associating the network objects with the rule sets; (c) when the rule sets include a plurality of policy rules that govern actions relating to the identified network objects during operation of the network (see col. 1, lines 44-61 and 8, lines 12-26).

Weigel does not disclose but Abraham discloses wherein rule sets are combined into a single rule set (see col. 7, lines 50-58), and duplicate policy rules set are removed; wherein a user is notified of conflicting policy rules of the rule

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sets (see col. 7, lines 50-58, col. 35, lines 36-60 and col. 43, lines 23-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Weigel's with Abraham for processing the network objects according to different rule sets by combining rules to single rule set and removing duplicate rules and notifying user of conflicting rules for the benefit of optimizing the policies stored in the database (see Abraham, Abstract).

In respect to claim 25, Wiegel discloses the method as recited in claim 24, wherein a user is allowed to associate the network objects with the rule sets via a graphical user interface (see col. 1, lines 10-15).

In respect to claim 26, Wiegel discloses the method as recited in claim 24, wherein each policy rule of the reconciled rule sets includes a rule action selected from the group consisting of:

permitting an action relating to the identified network objects, denying an action relating to the identified network objects, and conditionally denying an action relating to the identified network objects (see, col. 1, lines 1-15).

In respect to claim 27, Wiegel discloses the method as recited in claim 26, wherein an action relating to the identified network objects is permitted if no policy rules deny the action, at least one policy rule conditionally denies the action, and at least one policy rule permits the action (see col. 18, lines 1-40).

In respect to claim 28, Wiegel discloses the method as recited in claim 24, wherein an action relating to the identified network objects is denied if none of the policy rules permit the action (see col. 9, lines 25-30).



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In respect to claims 29-33, the claim limitations are computer program product claims that are substantially similar to method claims 24-28. Therefore, claims 29-33 are rejected based on the similar rationale.

***Allowable Subject Matter***

5. Claim 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tongoc Tran whose telephone number is (703) 305-7690. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached on (703) 308-4789. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner: Tongoc Tran  
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TT  
*n*  
May 28, 2004

*Matthew B. Smithers*  
MATTHEW SMITHERS  
PRIMARY EXAMINER  
*Art Unit 2137*